

REMARKS

Applicant respectfully requests reconsideration of the application in view of the remarks below. The originally filed claims 1-40 are currently pending in the application. Claims 1, 28, and 40 are independent claims.

Examiner Interview

Applicants hereby respectfully request that the Examiner grant the undersigned an in-person interview prior to issuing the next Office Action to help expedite prosecution. To this end, the Applicants respectfully request that the Examiner contact the undersigned at (202) 842-7807 to schedule an interview at his earliest convenience.

Claims 1-40 are patentable under 35 U.S.C. § 103

Claims 1-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,657,388 to Weiss (hereinafter “*Weiss* ‘388”) in view of a product datasheet describing SecurID authentication tokens (hereinafter “*SecurID*”).

Applicant respectfully traverses this rejection for the reasons set forth below.

Claim 1

Claim 1 is directed to a method that includes creating a cryptogram *at an encryption device located remotely from the locked structure*. The method also includes transporting the cryptogram to a locked structure and unlocking the locked structure *based on the decrypted cryptogram meeting a time-based criteria*. The method further includes *creating the cryptogram by encrypting a time representation based upon a clock*.

Both *Weiss* and *SecurID* describe a system involving a portable electronic token via which a user can generate a random secret value to be used for verifying the identity of that user. The token is part of a system that includes a verification unit at which the identity of the user can be verified. The verification occurs as a result of a synchronized relationship between the token and the verification unit. This synchronization allows two-factor authentication in the form of a user utilizing a PIN (something the user knows) and a value generated by the token (something

the user has) to confirm the user's identity to the verification device. Unless a user possesses both knowledge of the PIN and the token itself, the user will not be able to verify the user's identity.

Thus, the rejections of independent claim 1 are improper for at least two reasons. First, to render a claim obvious, a reference or combination of references must teach or suggest each and every feature of the claim. (*See* M.P.E.P. § 2143.03.) Second, "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention." (M.P.E.P. § 2141.02, VI (emphasis in original).)

Weiss and SecurID do not teach each and every feature of the claim

As to the first reason, the combination of *Weiss* and *SecureID* cited by the Examiner does not teach or suggest (a) creating a cryptogram at an encryption device located ***remotely*** from the locked structure, (b) creating the cryptogram by ***encrypting a time representation*** based upon a clock, or (c) unlocking a locked structure ***based on a decrypted cryptogram meeting a time-based criteria***.

The Examiner asserts the argument that the "new unpredictable access code every 60 seconds" in *SecurID* somehow discloses or suggests that "such cryptogram with such time representation, etc. are created" (Office Action at 3) and that *Weiss* teaches a decryption device located at the locked structure based on "the discussion of verification unit which shows how the seed numbers are updated and compared – thus, such decryption, etc. of the claim are shown." (Office Action at 4 – 5).

In both *Weiss* and *SecurID*, however, the user and the token are collocated, and both are located proximately to an electronic resource to which access is desired (i.e., in *Weiss* and *SecurID*, the user is not remote from the device that provides the access code). Further, *Weiss* and *SecurID* describe verifying the identity of a person in order to give that person access to an electronic resource. Neither one alone or in combination with the other teach a method for unlocking a locked structure. Finally, the value generated by the token in *Weiss* and *SecurID* relies solely on the updating of a seed value (or a function of the seed value) by some known process or algorithm. Neither *Weiss* nor *SecurID* alone or in combination with each other teach creating a cryptogram by encrypting a time-based representation.

Weiss and SecurID, considered in their entirety, teach away from the claimed invention

As to the second reason that the rejections are improper, one needs to consider the Weiss and SecurID references in their entirety. In this case, both the Weiss and SecurID references teach the use of a token as the mechanism used to generate the cryptogram, which teaches away from the notion of an encryption device located remotely from the locked structure.

In particular, the examiner's interpretation is that the token in Weiss and SecurID is the encryption device. The token in Weiss and SecurID, however, is local to each user. The systems of Weiss and SecurID require the user to have possession of the token in order to establish the two-factor authentication. Thus, by requiring the user to have a token, Weiss and SecurID teach away from creating a cryptogram at an encryption device located remotely from the locked structure. In contrast to Weiss, the invention in the instant application does not require the user to have possession of a token.

Further, Weiss and SecurID describe a system in which each user has its own token, the token containing the logic to create a unique value that is only valid for a limited period of time (e.g., 60 seconds). Thus, the systems of Weiss and SecurID involve the use of a token that has a constantly changing value. This teaches away from a system wherein a cryptogram is created (a) by encrypting a time representation based upon a clock (that therefore needs no updating) and (b) that does not need to be stored or transported using a hardware token.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of independent claim 1 be withdrawn. Additionally, for at least any one of the same reasons discussed above in connection with independent claim 1, Applicants respectfully request that the rejection of dependent claims 2-27 be withdrawn.

Claim 2

Claim 2, dependent on independent claim 1, is directed to a method that further includes providing **multiple locked structures** each with a decryption device that includes a decryption algorithm and a decryption key specific to the structure. The method further includes providing

an encryption device containing multiple encryption keys corresponding to the multiple locked structures.

The combination of *Weiss* and *SecureID* cited by the Examiner does not teach or suggest *providing an encryption device containing multiple encryption keys corresponding to multiple locked structures* (i.e., a “one to many” approach). Instead and in contrast, Weiss and SecurID describe a system where each user has its own token, the token containing the logic to create a unique value for that user that is only valid for a limited period of time (i.e., a “one to one” approach). Thus, the token has a continually updating value.

Claims 2, 3, and 4 – 27

The Examiner states that each of claims 2, 3, 4 – 27 “are well known in the art for the motivation of security.” (Office action at 4.) Applicant submits that since dependent claims 2, 3, and 4 – 27 each ultimately depend from an allowable independent claim (i.e., claim 1), these dependent claims are also patentable over the cited documents for at least the same reasons. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of dependent claims 2, 3, and 4 – 27 also be reconsidered and withdrawn.

Claim 28

Claim 28 is directed to a system that includes *an encryption device located remotely from the locked structure for encrypting a time representation* to produce a cryptogram output. The system also includes a decryption device for decrypting a cryptogram and unlocking a locked mechanism if the decrypted cryptogram meets a time-based criteria.

Neither *Weiss* nor *SecureID* teach or suggest (a) an encryption device located *remotely* from the locked structure for creating a cryptogram by *encrypting a time representation* based upon a clock, or (b) a decryption device for unlocking a locked structure *based on a decrypted cryptogram meeting a time-based criteria*.

Claims 29 – 39

The Examiner states that claims 29 – 39 “(various encryption and decryption and clock handlings)...are well known in the art for the motivation of security.” (Office action at 5.) Applicant submits that since dependent claims 29 – 39 each ultimately depend from an allowable independent claim (i.e., claim 28), these dependent claims are also patentable over the cited documents for at least the same reasons. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of dependent claims 29 – 39 also be reconsidered and withdrawn.

Claim 40

Claim 40 is directed to a system that includes *a lock box unlocking control system*, consisting of a plurality of lock boxes, *an encryption device for encrypting a time representation to produce a cryptogram output*. The system also includes a decryption device for decrypting a cryptogram and unlocking a locked mechanism if the decrypted cryptogram meets a time-based criteria.

Neither *Weiss* nor *SecureID* teach or suggest (a) an encryption device located *remotely* from the locked structure for creating a cryptogram by *encrypting a time representation* based upon a clock, or (b) a decryption device for unlocking a locked structure *based on a decrypted cryptogram meeting a time-based criteria*.

Conclusion

All rejections having been addressed, Applicant respectfully submits that the present application is in condition for allowance, and earnestly solicits a Notice of Allowance, which is believed to be in order. Should the Examiner have any questions regarding this communication, or the application in general, he is invited to telephone the undersigned at 202-842-7807.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

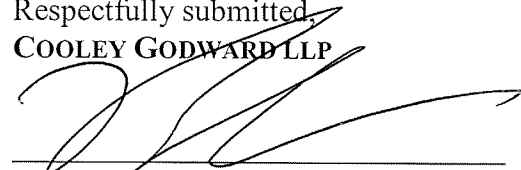
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